

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In The Matter of Charges and)

Complaint Against)

FRANK SHALLENBERGER, M.D.,)

Respondent.)

Case No. 09-7127-1

FILED

AUG 20 2009

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Sohail. U. Anjum, M.D., Chairman, S. Daniel McBride, Member, and Van Heffner, Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Frank Shallenberger, M.D., hereinafter referred to as Dr. Shallenberger, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Shallenberger is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, on January 7, 1984 (License No. 4951), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed. Dr. Shallenberger is also licensed to practice homeopathic medicine in the state of Nevada.

2. Patient A was sixty-nine-year old male at the time he began to see Dr. Shallenberger. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the Patient Designation served on Dr. Shallenberger along with a copy of this Complaint.

3. Patient A presented to Dr. Shallenberger's office initially in November 2004 with complaints of being overweight, lower back pain and possible vertigo.

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4. Patient A had blood work completed in December 2004 which included a thyroid panel. Patient A's TSH level was .95, his T4 level was .068 and his T3 level was 320, all of which were within normal ranges.

5. Patient A saw Dr. Shallenberger on February 3, 2005 at which time Dr. Shallenberger noted the patient had osteoarthritis in both his back and knees and that the patient had flaky, dry skin. Dr. Shallenberger also performed Bio-Energy Testing, a homeopathic evaluation, to determine the patient's basal metabolic rate. Based on his testing and examination of Patient A, Dr. Shallenberger diagnosed him with hypothyroidism and started the patient on 1 gram (60 mg) of desiccated thyroid. Dr. Shallenberger also prescribed and administered some homeopathic medications.

6. Patient A returned on March 29, 2005 for a follow-up appointment. The medical records for Patient A indicate that he was losing weight and feeling better. A blood test that had been performed on March 1, 2005 noted Patient A's T3 level to be 291. Patient A's blood pressure was noted to be 128/70.

7. Patient A was to follow up in three months but did not return to see Dr. Shallenberger until November 3, 2005. He was noted to have a wobbly gait and a positive Romberg sign. The patient was continued on desiccated thyroid and also treated with homeopathic medications. His blood pressure was noted to be 156/80.

8. Patient A returned to see Dr. Shallenberger on February 9, 2006 at which time he was noted to be doing well and was continued on desiccated thyroid as well as homeopathic medications. His blood pressure was noted to be 144/78. Patient A indicated to Dr. Shallenberger that he had increased his dose of desiccated thyroid, on his own, to 1.5 grams (90 mg). Dr. Shallenberger ordered a repeat Bio-Energy Testing based on the new dose of desiccated thyroid.

9. Patient A returned on March 23, 2006. During this visit, Dr. Shallenberger reviewed the results of the Bio-Energy Testing and made a provisional diagnosis of worsening age related hypothyroidism and increased Patient A's dose of desiccated thyroid to 2.5 grams (150 mg). Patient A's blood pressure was noted to be 122/74.

10. Patient A failed to keep a two month follow up appointment but did return to see

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1 Dr. Shallenberger on September 5, 2006. The medical records indicate that at the time Patient A was
2 feeling really well. At the time of this visit, Patient A's blood pressure was 130/76.

3 11. Patient A contacted Dr. Shallenberger's office on October 31, 2006 with complaints
4 of headaches and elevated blood pressure in the range of 160-170/80-85. He also indicated that he
5 had cold symptoms and was taking cold medications. Patient A was instructed to take Advil, do
6 blood pressure checks and take magnesium citrate.

7 12. Patient A called the office again on November 2, 2006 indicated that his blood
8 pressure was 178/91 and that he was taking magnesium. He also reported continuing headaches and
9 indicated that he would contact the office the following week.

10 13. Patient saw his primary care physician, Dr. Merritt Dunlap on December 4, 2006
11 regarding his headaches and increased blood pressure. An EKG performed during the appointment
12 showed that Patient A was experiencing atrial fibrillation. Blood work performed on
13 December 4, 2006 showed Patient A's TSH level to be low at .04, his T4 level to be within normal
14 range at 1.29 and his TSH level to be high at 638. Dr. Dunlap referred Patient A to a cardiologist
15 regarding his new atrial fibrillation.

16 14. On December 13, 2006, Patient A saw Dr. Lambert, a cardiologist and after the
17 appointment, while still in the office building, became lightheaded and unconscious for a short
18 period of time. Patient A was transported to Carson Tahoe Hospital where he was admitted and
19 evaluated for syncope, onset atrial fibrillation and hypertension.

20 **Count I**

21 15. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
22 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
23 under similar circumstances.

24 16. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds
25 for initiating disciplinary action against a licensee.

26 17. Dr. Shallenberger failed to use the reasonable care, skill, or knowledge ordinarily
27 used under similar circumstances when he improperly diagnosed Patient A as having

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1 hypothyroidism based on a homeopathic test in the face of normal lab results for Patient A's
2 thyroid levels.

3 18. By reason of the foregoing, Dr. Shallenberger is subject to discipline by the Nevada
4 State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

5 **Count II**

6 19. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
7 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
8 under similar circumstances.

9 20. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds
10 for initiating disciplinary action against a licensee.

11 21. Dr. Shallenberger failed to use the reasonable care, skill, or knowledge ordinarily
12 used under similar circumstances when he treated Patient A's suspected hypothyroidism
13 (improperly diagnosed) with desiccated thyroid.

14 22. By reason of the foregoing, Dr. Shallenberger is subject to discipline by the Nevada
15 State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

16 **WHEREFORE**, the Investigative Committee prays:

17 1. That the Nevada State Board of Medical Examiners fix a time and place for a
18 formal hearing;

19 2. That the Nevada State Board of Medical Examiners give Dr. Shallenberger notice
20 of the charges herein against him, the time and place set for the hearing, and the possible sanctions
21 against him;

22 3. That the Nevada State Board of Medical Examiners determine what sanctions it
23 determines to impose for the violation or violations committed by Dr. Shallenberger; and

24 4. That the Nevada State Board of Medical Examiners make, issue and serve on
25 Dr. Shallenberger its findings of facts, conclusions of law and order, in writing, that includes the
26 sanctions imposed; and

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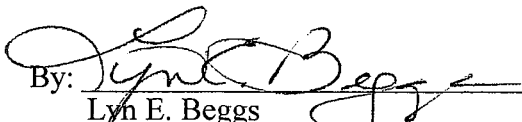
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5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 20th day of August, 2009.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Lyn E. Beggs
General Counsel and Attorney for the Investigative Committee

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 20th day of August 2009, I served a file copy of the COMPLAINT, PATIENT DESIGNATION & FINGERPRINTING Information, by mailing via USPS certified return receipt mail to the following:

Frank Shallenberger, M.D.
11447 Morning Grove Drive
Las Vegas, NV 89135

Dated this 20th day of August 2009.



Angie Donohoe
Legal Assistant